



MEMORANDUM

Agenda Item No. 4(T)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Road Closing Petition P-751
Section: 9-52-40
NW 92 Avenue &
NW 178 Street
District: 12

RECOMMENDATION

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The subject portion of right-of-way has never been improved or maintained by Miami-Dade County. In addition, the west half of said right-of-way was closed by the Florida Turnpike Enterprise for the I-75 Connector corridor. Furthermore, residential developments to the south have closed other identical portions of said right-of-way and have provided alternate roads to address their traffic needs. The petitioner for the subject road closing will also dedicate alternate roads for traffic continuity. The Miami-Dade County Departments of Planning and Zoning, Fire Rescue, Water and Sewer and Public Works have also reviewed this application and have no objections.

BACKGROUND

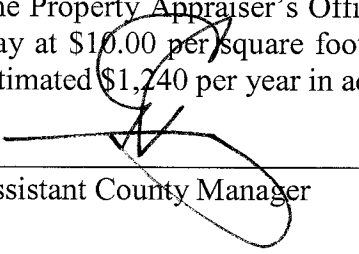
The petitioner, West Lakes Estates, Inc., a Florida Corporation, is developing a residential community that will improve and dedicate public roads connecting to and from NW 178th Street to the north and NW 89th Avenue to the east of the site.

The petitioner intends to incorporate the 15-foot wide by approximately 330-feet long portion of right-of-way for NW 92nd Avenue as part of the residential development known as DANIELLE PATRICK SUBDIVISION, according to the plat thereof as recorded in Plat Book 160, Page 1, of the Public Records of Miami-Dade County, Florida.

The subject portion of right-of-way was dedicated in 1911 by the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

DANIELLE PATRICK SUBDIVISION is zoned RU-1 (Single Family Residential District).

The Property Appraiser's Office has assessed the value of the land adjacent to the subject right-of-way at \$10.00 per square foot. The approximate assessed value would be \$49,000 generating an estimated \$1,240 per year in additional property tax.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4 (T)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 4(T)
1-20-04

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A
15-FOOT WIDE PORTION OF THEORETICAL NW
92ND AVENUE FROM NW 177TH STREET TO NW
178TH STREET APPROXIMATELY 330-FEET
(ROAD CLOSING PETITION NO. P-751)

WHEREAS, the County Commission held a public hearing to consider a petition to close a 15-foot wide portion of theoretical NW 92nd Avenue from NW 177th Street to NW 178th Street approximately 330-feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who
moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

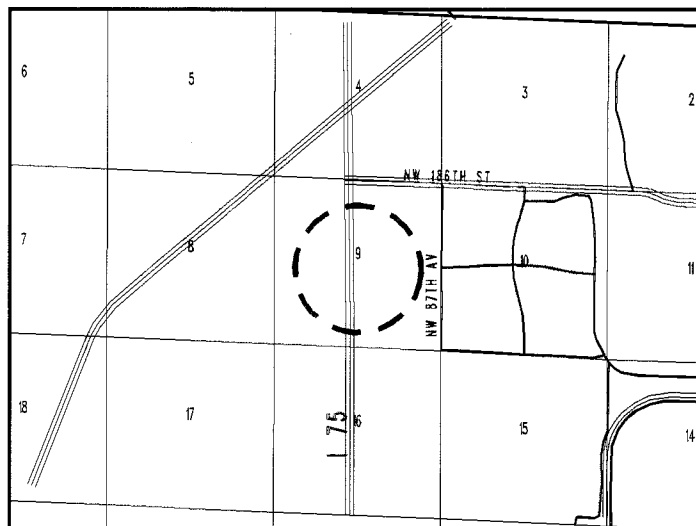
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



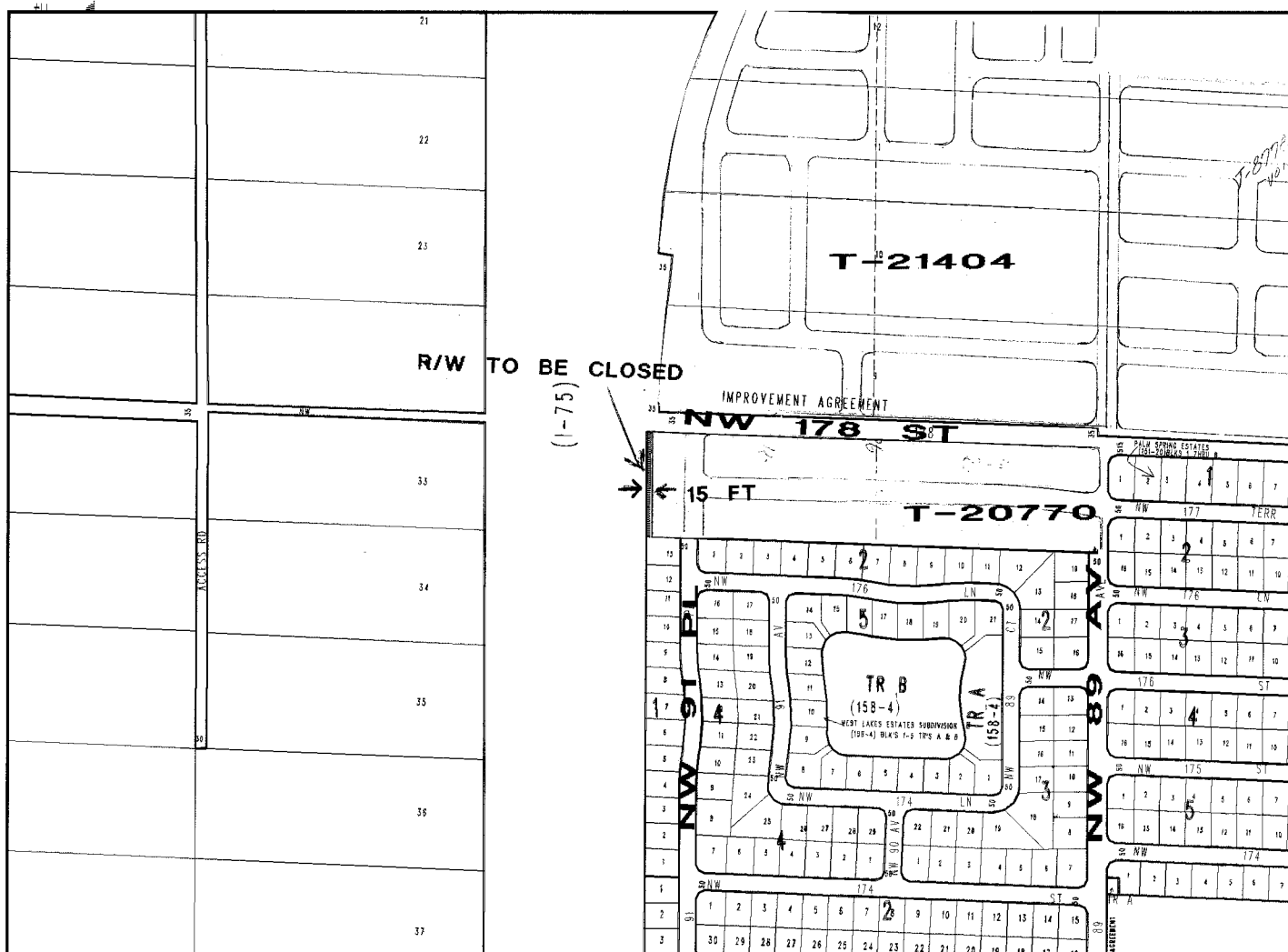
Thomas Goldstein

P751

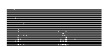


Sec 09
Twn 52
Rng 40

Location Plan



LEGEND



RIGHT OF WAY TO BE CLOSED

MIAMI-DADE

5

1/10/03 SK

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersign, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petition the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

That portion of Tract 64, in Section 9, Township 52 South, Range 40 East, Florida Fruit Lands Company's Subdivision No. 1, according to the plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying within the west 15 feet thereof.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

It was acquired through dedication in Plat, Florida Fruit Lands Company's Subdivision and recorded in Plat Book 2 at Page 17, of the public records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners abutting upon to the above described road, right-of-way or lands.

PRINT NAME	FOLIO NO.	ADDRESS
<u>WEST LAKES ESTATES, INC.</u>	<u>30-2009-001-0640</u>	<u>15123 NW 87TH Place Miami, Fl</u> 33018

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the vent this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. NO FEDERAL OR STATE HIGHWAY AFFECTED: The undersigned certify that the above described road, right-of-way or land is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the Board of County Commissioners.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submit as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted).

The theoretical NW 92 avenue, located between WEST LAKES ESTATES SUBDIVISION and NW 178 Street has been superceded by I 75.

8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail):

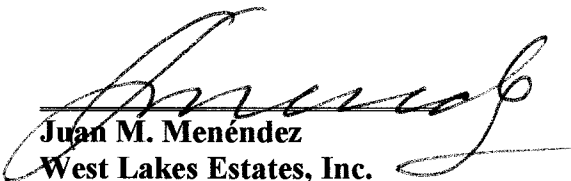
Incorporate in new plat of DANIELLE PATRICK SUBDIVISION.

(Petition must be signed by all property owners abutting the road, right-of-way or land to be closed or abandoned)

Respectfully submitted,

NAME SIGNATURE


ADDRESS


Juan M. Menéndez
West Lakes Estates, Inc.

15123 NW 87th Place Miami Lakes, Fl. 33018

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI0DADE COUNTY)


(signature of Petitioner)
TODD A. HENDRICK
WEST LAKES ESTATES, INC.

14th day of February, 200³
Josue R. Hernandez
 Notary Public State of Florida at Large

WEST LAKES ESTATES INC.
15123 NW 87TH PLACE
MIAMI FL. 33018

My Commissioner Expires: _____

